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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,754	05/10/2001	Craig Henry Becker	AUS920010288US1	5082

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EXAMINER
GARG, YOGESH C

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/852,754	BECKER ET AL.
	Examiner	Art Unit	
	Yogesh C Garg	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 November 2004</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3,12,15-17 and 25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3,12,15-17 and 25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment received on November 02, 2004 is acknowledged and entered. Applicant has amended claims 1, 12, 15, and 25. Currently claims 1-3, 12, 15-17, and 25 are pending for examination.

Response to Arguments

2.1.   Applicant's arguments (see Remarks, page 6) filed on 11/2/2004 with respect to rejection of claims 1-3 and 15-17 under 35 U.S.C. 112, second paragraph have been considered and are persuasive in view of the amendments made to claims 1 and 15. Therefore, the rejection of claims 1-3 and 15-17 under 35 U.S.C. 112, second paragraph has been withdrawn.

2.2.   Applicant's arguments, see Remarks, pages 7-10, filed 11/2/2003, with respect to rejection of claims 1-3, 12, 15-17, and 25 under 35 U.S.C. 102 have been fully considered but are moot in view of the new ground(s) of rejection necessitated due to amendments to claims 1, 12, 15, and 25.

Claim Objections

3.   Claims 1-3, 12, 15-17, and 25 are objected to minor informalities. Claim 1 recites the limitation " **a data processing system**" in lines 9-10 of claim 1. There is insufficient antecedent basis for this limitation in the claim. As best understood by the examiner it is a typographical error and it should be read as---- **the data processing system**—to provide sufficient antecedent basis. Claims 2-3 are dependent of claim 1 and hence will

inherit the same deficiency. Claims 12, 15-17 and 25 also have the same deficiency. All

the claims will be treated on further merits as interpreted by the examiner. Appropriate

correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section
122(b), by another filed in the United States before the invention by the applicant for patent or
(2) a patent granted on an application for patent by another filed in the United States before
the invention by the applicant for patent, except that an international application filed under
the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

4.1.   Examiner cites particular columns and line numbers in the references as applied

to the claims below for the convenience of the applicant. Although the specified citations

are representative of the teachings in the art and are applied to the specific limitations

within the individual claim, other passages and figures may apply as well. It is

respectfully requested that, in preparing responses, the applicant fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well

as the context of the passage as taught by the prior art or disclosed by the examiner.

4.2.   Claims 1-3, 12, 15-17, and 25 are rejected under 35 U.S.C. 102(b) as being

anticipated by IBM Publication, "VM/ESA OpenEdition DCE Introduction and

Implementation Notebook—SG24-4554-00"; International Technical Support

Organization IBM Poughkeepsie Center; December 1995; hereinafter referred to as IBM.

Regarding claim 1, IBM discloses a method in a network data processing system for distributed computing, the method comprising: accepting a task for distributed computing; sending work units into which the accepted task is divided to a plurality of data processing systems on a network, wherein each data processing system within the plurality of data processing systems includes a software for accepting a work unit, processing the accepted work unit to generate a result, and returning the result, wherein the software of each data processing system within the plurality of data processing systems is monitored for compliance with an operation policy requiring the data processing system to be connected to the network and to allocate a period of time for processing work units; and receiving results from the plurality of data processing systems (see pages 5-17, " *OSF DCE offers a set of services and application program interfaces (APIs) that are used to build distributed applications. DCE also includes a set of management tools for the distributed heterogeneous environment. .... The DCE technologies are grouped in two general categories: Programming services   Distributed Services ......The programming services include DCE remote procedure calls......These services run continuously on a server machine and satisfy the requests sent over the network or from local users....Client, Clerk, Server, and Manager......*[see page 5. Note: DCE corresponds to Distributed Computing Environment and this enables to break a task into several work units such as RPC, DCE threads, Directory service, Security service....which are executed by different servers represented by the plurality of DCE components shown on page 16 and Figure 10-" DCE Cell Integration" and page 17-" 1.4.8. DCE Component Integration" and Table 1 showing the dependency between the DCE components.]. Also see page 10, " 1.4.4. Distributed Time service" which manages the allocating a time for processing work units and determines event sequencing, duration and scheduling. The IBM publication teaches breaking a task [accepting a task is inherent] into separate DCE components

as shown in Table 1, page 17 and then integrates the services performed and received

from these DCE components and at the same time. DCE components correspond to the

claimed plurality of data processing systems, which perform the distributed work. It is

suggested to read the full publication to comprehend the various aspects of "Distributed

Computing environment" which fully reads on the claimed invention.

Regarding claims 2-3, IBM publication suggests that each of the plurality of data

processing systems are assigned to a different user and are in different location (see at

least page 5, " *1.4 Overview of the OSF DCE Architecture.....Various major computer vendors*

(IBM included) have contributed and proven technologies for inclusion in the Open Software

Foundation.....". Note: Various vendors satisfy the claimed limitations).

Regarding system and computer program and product claims 12, 15-17 and 25,

their limitations are parallel to the limitations of method claims 1-3 and are therefore

analyzed and rejected on the same basis.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

(i) US Patent 6,728,947 to Bengston teaches a system and apparatus for

breaking a process into separate work units and then distributing those work units to a

plurality of data processing systems for completing them in a timely manner (see at least

col.1, line 5-col.2, line 30, col.4, line 45-col.6, line 3, and col.16, line 35-col.18, line 44

[specially see claims 1, 8, 10 and 14]. Bengston's invention can be used to show that it

either anticipates or renders the claims 1-3, 12, 15-17 and 25 of the instant application

unpatentable.

(ii) US Patent 6,477,221 to Ning discloses that Distributed computing

environment is a prior art (see col.2, line 34-col.3, line 19) wherein several computers

connected together work a multi-computer system in order to solve algorithms.

(iii) US Patent 6,732,139 and Publication 2004/0163085 A1 to Dillinberger et al.

teaches a distributed Java virtual machine method and system distributing parts of a

task to various network nodes to timely and efficiently meet the demand of service

requests (see at least abstract).

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yogesh C Garg whose telephone number is 703-306-

0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
January 8, 2005